

House Bill 937

By: Representatives Smith of the 133rd, McCall of the 33rd, Ridley of the 6th, Corbett of the 174th, Powell of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and
2 housing, so as to provide for local governments to regulate certain building products and
3 construction practices for single-family dwellings in a manner that is consistent with the
4 codes and standards approved by the state; to provide for exceptions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
9 amended in Part 1 of Article 1 of Chapter 2, relating to general provisions regarding
10 buildings, by adding a new Code section to read as follows:

11 "8-2-5.

12 (a) Notwithstanding any other provision of law, a building product, material, or
13 construction practice that is approved for use pursuant to this chapter, as it applies to the
14 construction, renovation, repair, or other alteration of a single-family dwelling, shall not
15 be prohibited or limited, directly or indirectly, by local ordinance, resolution, rule, or other
16 regulation except under one or more of the following circumstances:

17 (1) The structure is located in an area designated as a historic district pursuant to
18 Article 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act';

19 (2) The structure is located in an area designated as a historic district on the National
20 Register of Historic Places;

21 (3) The structure is individually designated as a local, state, or national historic
22 landmark;

23 (4) The ordinance, resolution, rule, or other regulation is a requirement of a local
24 amendment to the state minimum standard codes provided for in Code Section 8-2-25
25 that have been adopted in conformity with the requirements of subsection (c) of Code
26 Section 8-2-25;

27 (5) The ordinance, resolution, rule, or other regulation is applied to manufactured homes
28 in a manner consistent with Part 2 of Article 2 of this chapter, 'The Uniform Standards
29 Code for Manufactured Homes Act,' and applicable federal law; or

30 (6) The ordinance, resolution, rule, or other regulation is adopted as a condition of
31 participation in the National Flood Insurance Program.

32 (b) The provisions of subsection (a) of this Code section shall not be construed to affect
33 the validity or enforceability of private covenants or other contractual agreements among
34 property owners relating to building design elements."

35 **SECTION 2.**

36 All laws and parts of laws in conflict with this Act are repealed.